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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,612	09/08/2003	James A. Bolton	GRFT CTNG 1.2 US	9450

37138 7590 10/26/2005

THADDIUS J. CARVIS
102 NORTH KING STREET
LEESBURG, VA 20176

EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,612

Applicant(s)

BOLTON ET AL.

Examiner

Frederick J. Parker

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Election/Restrictions

1. Applicants are encouraged to cancel properly restricted claims 4-6 directed to a kit.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. No action was taken on this objection, hence it is maintained.

Claim Objections

- Claims 1,3 are objected to because of the following informalities: Claim 1:For sake of clarity and consistency, 1) line 1, "surface" should be "substrate; line 2 "pattern of textured surfaces" should be "patterned texture surface"; line 3, insert "a" before base coat; line 4, delete "a wood-grain" and replace with "the"; line 8, delete "texture" and replace with "the"; line 9, "textured" should be "texture". Claim 3, the basis (by weight, volume, molar, etc) for the % is not provided (see [0028,0034]). Appropriate correction is required.
3. The rejections of the previous Office Action are withdrawn in view of amendments, and replaced by the following rejections.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pittman US 5534352 in view of Plowman US 3936541.

Pittman teaches composite panels with embossed textured surfaces to which is applied a uniform pigmented water-based base/ground coating; followed by drying; followed by spraying an aqueous pigmented “buffing coat” (same as “graining coat” since it provides similar/ same end-function) which is then oven dried; and buffing the surface to redistribute the coat from flat or profiled areas while leaving the coat IN the textured recesses. Column 3, 20 col. 4, 62. The product is a natural appearing wood-grain finish on the textured surface. The time between end of application of the buffing coat and insertion into an oven would provide at least some minute amount of water evaporation/ drying which is all that is required by the claim, and therefore the instance would anticipate claim 1. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pittman by substituting air drying for oven drying because of the equivalence of the drying means would have been apparent to, and within the purview of, one of ordinary skill in the art, and the expectation of providing drying, albeit at different rates. The conclusion of obviousness may be made from “common knowledge” and “common sense” of the person of ordinary skill, In re Bozek 163 USPQ 545.

Art Unit: 1762

While a specific rate of spraying is not cited, the rate of spraying per unit area is simply a matter of a desired coloration/ graining of an end-product, which would have been optimized by one of ordinary skill using routine experimentation, absent a clear and convincing showing of unexpected results/ evidence to the contrary. Process conditions do not patentably distinguish over prior art where they are merely modifications of an old process capable of being made by one of ordinary skill, In re Budde 138 USPQ 71+.

Spreading the buffing/ graining coat into recesses while retaining coating on the case coat on the texture surface is not explicitly taught.

Plowman teaches a similar process of decorating panels having ridges and recesses to provide a contrasting pigmented surface. Col. 4, 63-67, figure 7, and col. 7, 33-51 teaches that a pigmented water-based acrylic accent emulsion is applied and spread so that pressure force most of the pigmented liquid into recesses to cause darkening, but still retains some material on ridges to provide a pleasing effect of various amounts of pigment coloration, as most clearly demonstrated in figure 7. While the surface structure may vary from that of Applicants', nonetheless the overall concept of applying a pigmented coat to cause coloration effects different in the recesses from higher portions is the same. Plowman varies from Pittman only in that the graining coat is buffed to remove it from flat surfaces to recesses whereas Plowman teaches the concept of leaving some of the pigmented coat on all surfaces (see Appendix A which visually compares Applicants' Exhibit supplied during the recent interview with figure 7 of Plowman).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pittman by incorporating the concept of Plowman of leaving some

Art Unit: 1762

pigmented coating on all surfaces including raised surfaces to provide a pleasing effect of various amounts of pigment coloration across the relief of the substrate surface.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pittman et al in view of Plowman and further in view of Porter US 6201057.

Pittman and Plowman are cited for the same reasons previously discussed, which are incorporated herein. While Plowman teaches a water-based acrylic pigmented coating, an urethane/acrylic hybrid grain coat is not cited.

Porter teaches an aqueous acrylic-(poly)urethane coating material applied to a pigmented basecoat on a surface requiring weathering resistance, e.g. doors and entry components. The coating material may be clear or modified with materials conventionally known as pigments, e.g. titania. Given the teachings, one of ordinary skill would have expected the coating material or Porter to successfully coat the surfaces in the process of Pittman in view of Plowman since they are directed to similar decorative pigmented coating processes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pittman in view of Plowman by substituting the buffing/ pigmented coat with the acrylic/(poly)urethane coating of Porter to provide the benefit of weathering resistance to the grained, textured surface.

Response to Arguments

Applicants arguments have been fully considered, especially in light of the interview of 9/29/05. The above new rejection was due to amendments and discovery of new prior art relative

Art Unit: 1762

to the amendments. The rejections incorporate Applicants arguments and address the added limitations.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

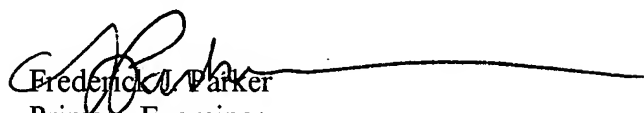
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frederick L. Parker
Primary Examiner
Art Unit 1762

fjp

Art Unit: 1762

APPENDIX A

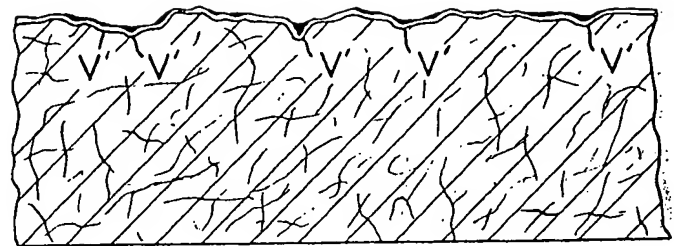
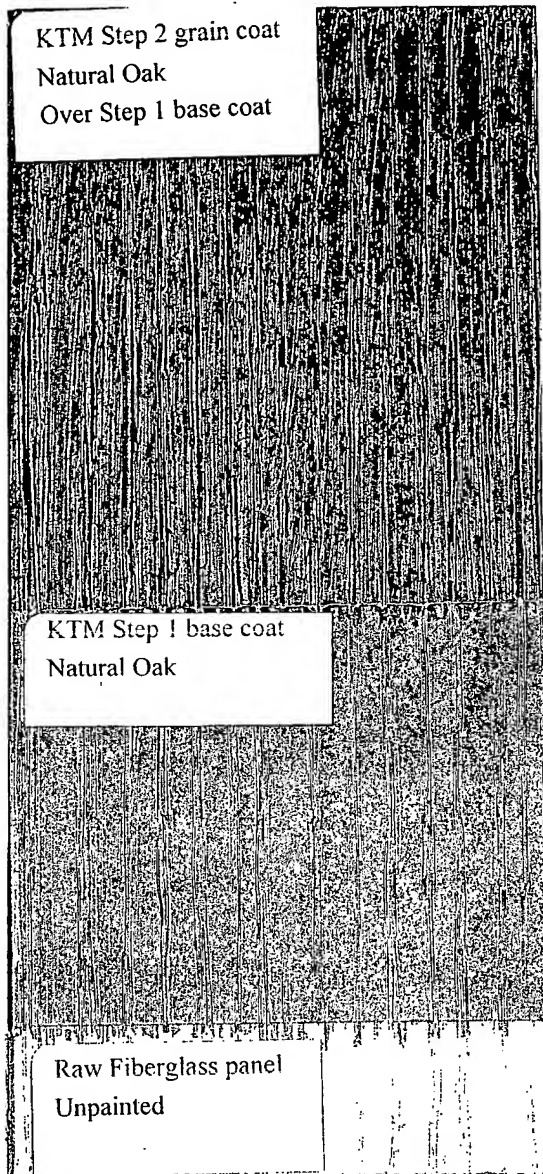


FIG. 7.

Figure 7 of Plowman showing the disclosed concept of spreading larger amounts of pigmented coat in recesses relative to thinner coat on raised surfaces, to provide the same or similar effects as Applicants' process.

Applicant's exhibit from 9/29/05 Interview, Step 2 showing how spreading causes darkened highlighting of recesses whereas raised surfaces showing darkening as well albeit to a lesser degree.